

UDC Interpretation	#13-01
	<b>Building Height Standards in Form Districts Where More Than One Height is Listed</b>
	UDC Section: 50-22
Approved by:	Charles Froseth, Land Use Supervisor
	Date of Interpretation: 4/15/13

**BACKGROUND:** The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the City of Duluth, Minnesota. UDC Sec. 50-10 *Interpretation* authorizes the land use supervisor to interpret the provisions of this Chapter.

**UDC INTERPRETATION:** In Sec. 50-22, the Maximum Principle Building Height for the following building types is different depending on the street frontage adjacent to the building: Main Street Building I, Main Street Building II, Main Street Building III, Corridor Building II, and Corridor Building III.

The question was raised about how to interpret the maximum building height for a building that spans an entire block where a different maximum building height is listed for each street frontage. An example is a Main Street Building III that spans the block between Superior St. and First St. Note: There is a different interpretation below for the blocks of Form Districts between Superior St. and Michigan St.

Except as described in the paragraph below, the interpretation is, where a block is adjacent to two streets with different maximum building heights, the midpoint between those two streets is the point where the maximum building height transition occurs. In the example above, the maximum building height of 15 stories / 188 feet for a Main Street Building III with Superior St. frontage would apply from Superior St. to the midway point of the block and from that point to the next street (First St.) where the maximum building height for a Main Street Building III of 6 stories / 80 feet would apply (or 9 stories / 116 feet for a corner parcel).

The interpretation above does not apply to the blocks between Superior St. and Michigan St. where the interpretation is that the greater maximum building height allowed on Superior St. extends through the entire block to Michigan St. The rationale for this interpretation is that much of the length of Michigan St. is the zoning boundary between F-8 and MU-C and that Michigan St., therefore, is viewed to function like a wide alley providing service and loading functions.

The City anticipates a technical correction to these provisions will be part of the annual UDC amendment package in 2013.

**DISCLAIMER:** While it is the intent of the administration to submit a technical correction to the city council consistent with this interpretation, the code can only be amended by city council action. This interpretation is not intended to be a promise or guarantee that the proposed amendment will be enacted.